

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JOSEPH BURPEE,

Plaintiff,

v.

TDCJ, et al.,

Defendants.

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Case No. 6:25-cv-44-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Joseph Burpee, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On February 11, 2025, Judge Love issued a Report finding that Plaintiff has accumulated at least three strikes under the Prison Litigation Reform Act and recommending that the Court deny Plaintiff's motion to proceed *in forma pauperis* and dismiss this case with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims but without prejudice to the refiling of this lawsuit upon payment of the full \$405.00 filing fee. Docket No. 5. A copy of this Report was sent to Plaintiff but was returned as "undeliverable." Docket No. 8. Plaintiff has not filed objections or otherwise communicated with the Court since filing this lawsuit.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims but without prejudice to the refiling of this lawsuit upon payment of the full \$405.00 filing fee.

So **ORDERED** and **SIGNED** this **6th** day of **June, 2025**.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE